

**MACEDON RANGES RESIDENTS' ASSOCIATION  
INC.  
(M.R.R.A.)**

**Regn. No. A0034439T**

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# **ASSOCIATION RULES & PURPOSES**

**Adopted by MRRA 8<sup>th</sup> April 2002**

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## **1. NAME OF ASSOCIATION**

The name of the incorporated association is Macedon Ranges Residents' Association Inc. (in these Rules called 'the Association').

## **2. DEFINITIONS**

- (1) In these Rules, unless the contrary intention appears:

"Act" means the Associations Incorporation Act 1981.

"committee" means the committee of management of the Association.

"financial year" means the year ending 30<sup>th</sup> June.

"general meeting" means a general meeting of members convened in accordance with Rule 13.

"Macedon Ranges" means the municipal district known as Macedon Ranges Shire.

"Macedon Ranges Shire Council" means the Councillors and administration of the Council of the Macedon Ranges Shire's municipal district.

"member" means a member of the Association.

"ordinary member of the committee" means a member of the committee who is not an officer of the Association under Rule 24.

"Regulations" means regulations under the Act.

"relevant documents" has the same meaning as in the Act.

- (2) In these Rules, a reference to the Secretary of an Association is a reference:

- a. If a person holds office under these Rules as Secretary of the Association, to that person, and
- b. In any other case, to the public officer of the Association.

## **3. ALTERATION OF ASSOCIATION RULES AND STATEMENT OF PURPOSES**

- (1) These Rules and the Association's statement of purposes must not be altered except in accordance with the Act.

## **4. MEMBERSHIP**

- (1) A resident or ratepayer of Macedon Ranges Shire may apply to become a member of the Association on the **prescribed form (Appendix A)**. An application must be referred to the Secretary.
- (2) **If the application accords with these Rules and is accepted by the Committee, membership will be deemed to have commenced from the date the annual subscription was paid, as per Rule 5.**
- (3) The Secretary must enter the new member's name, address and date of payment of annual subscription in the Register of Members.
- (4) **If the Committee rejects any application, it must notify the applicant in writing.**
- (5) Any right, privilege or obligation of an Association member:
  - a. Is non-transferable to another person.
  - b. Terminates upon cessation of membership by death, resignation or otherwise.

## **5. ANNUAL SUBSCRIPTION**

- (1) An Annual Subscription is payable upon membership commencement and is due for renewal on 1<sup>st</sup> July each year. An application made after 1<sup>st</sup> January but before 1<sup>st</sup> July will be eligible for a pro-rata rate of half the annual subscription fee for that period. Annual subscription fees are as follows:

a. Individual residents	\$12.00	d. Corporate fee	\$50.00
b. Couples	\$18.00	e. Children 12 – 18 years	\$5.00
c. Affiliate organisation	\$25.00		

## 6. REGISTER OF MEMBERS

- (1) The Secretary must keep and maintain a Register of Members including the name, address, date of commencement and current financial status of the membership of each member. **The Register must be made available for inspection by any member.**

## 7. CESSATION OF MEMBERSHIP

- (1) A member must give written notice to the Secretary of his or her resignation from the Association, which will be effective upon receipt of the notice.
- (2) The Secretary must record the date of cessation of membership in the Members' Register.

## 8. DISCIPLINARY PROCEDURES FOR MEMBERS

- (1) If the Association's Committee of Management believes a member has:
  - a. **Refused or neglected to comply with the Association's rules,** or
  - b. **Behaved in a manner unbecoming to a member or prejudicial to the Association's interests.**

**the Committee may by resolution:**

  - c. Expel a member from the Association, or
  - d. Suspend a member for a specified time, or
  - e. Fine a member in accordance with the Regulations.
- (2) **Resolution:** The Committee's resolution has no effect until confirmed by the Committee at a Committee meeting to be held between 14 and 28 days of notice being given to the affected member, or until after any right of appeal to the Association has been exercised by the affected member.
- (3) **Notice:** As soon as possible after the Committee makes the resolution, the Secretary will give written notice to the affected member, the notice to:
  - a. Set out the resolution and grounds upon which it is based, and
  - b. Advise the member they, or their representative, may address the Committee at a Committee meeting to be held between 14 and 28 days after the notice is given, and
  - c. Include the date, place and time of that meeting, and
  - d. Inform the member they may:
    - i. Attend the meeting, and
    - ii. Provide to the Committee, at least 24 hours before the meeting, a written statement seeking revocation of the resolution, and
    - iii. Within 48 hours after the meeting, lodge a written notice with the Secretary notifying that the affected member wishes to appeal against the Committee's resolution at a general meeting of the Association.
- (4) **Committee Meeting:** At a Committee meeting to be held between 14 and 28 days after service of notice to the affected member the Committee must, in the following order:
  - a. Give the member an opportunity to be heard, and
  - b. Give due consideration to any written statement submitted by the member, and
  - c. Determine by resolution to confirm or revoke the resolution.

- (5) **Appeal to Association Against Confirmed Committee Resolution:** A member who is the subject of the Committee's confirmed resolution (as per Rule 8.4 (c)) may give notice that they wish to appeal to the Association against the Committee's resolution:
  - a. The notice of appeal must include the grounds for appeal, and be received by the Secretary not later than 48 hours after the Committee confirms its resolution (as per Rule 8 (4)(c)).
  - b. If a notice of appeal is received, the Secretary must notify the Committee who must convene a General meeting of the Association within 21 days after receipt of the notice of appeal.
- (6) **General Meeting:** At a General meeting of the Association called under Rule 8(5)(b):
  - a. The only business will be the appeal, and
  - b. The Committee may give details of grounds for the resolution and reasons for confirming it, and
  - c. The affected member must be given an opportunity to be heard, and
  - d. Association members must confirm or revoke the Committee's resolution by secret ballot.
- (7) **Majority of Votes:** A majority of two-thirds of Association members' votes (in person or by proxy) is needed to confirm the resolution, otherwise it is revoked.

## 9. RESOLUTION OF DISPUTES AND MEDIATION

- (1) This grievance procedure applies to disputes under these Rules between:
  - a. A member and another member.
  - b. A member and the Association.
- (2) The parties to the dispute must meet, discuss and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the dispute is not resolved at, or a party fails to attend, the meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be:
  - a. A person chosen by agreement between the parties or
  - b. In the absence of agreement:
    - i. If the dispute is between members, a person appointed by the committee of the Association, or
    - ii. If the dispute is between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association who is not a party to the dispute can be a mediator.
- (6) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (7) The mediator, in conducting the mediation, must:
  - a. Give the parties to the mediation process every opportunity to be heard, and
  - b. Allow due consideration by all parties of any written statement submitted by any party, and
  - c. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process, and
  - d. Not determine the dispute.
- (8) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **10. ANNUAL GENERAL MEETINGS**

- (1) An Annual General meeting of members must:
  - a. Be held each year, with the date, time and place to be determined by the Committee, and
  - b. Be specified as such on the notice convening it.
- (2) Ordinary business of the Annual General meeting will be:
  - a. Confirmation of minutes of the last Annual General meeting and any unconfirmed minutes of a General meeting held since then, and
  - b. To receive Committee reports upon Committee transactions in the last financial year, and
  - c. To elect Association officers and ordinary members of the Committee, and
  - d. To receive the Treasurer's Report in accordance with section 30 (3) and (3A) of the Act.
- (3) Special business may be transacted at the Annual General Meeting if prior written notice is received by the Secretary at least 7 days before the meeting is scheduled to be held.
- (4) The Committee must convene a General meeting if more than 15 months would elapse between Annual General meetings, this General meeting to be held before expiration of that period.

## **11. GENERAL AND SPECIAL GENERAL MEETINGS**

- (1) All meetings of the Association, other than Committee and sub-committee meetings, will be General meetings.
- (2) Meetings of the Association other than Annual General Meetings may be General or Special General meetings.
- (3) A General meeting of the Association may be convened at the Committee's discretion, but must be convened at least once every three months, one of which meetings must be the Annual General Meeting.
- (4) A Special General meeting is additional to and may not be included in the number of General meetings required to be held under Rule 11(3).

## **12. SPECIAL GENERAL MEETING CALLED BY ASSOCIATION MEMBERS**

- (1) **The Committee must convene a Special General meeting if at least 5% of the Association's members makes a written request for such meeting to be held.** The request must:
  - a. State the purpose of the meeting, and
  - b. Be signed by the members requesting the meeting, and may consist of several like documents signed by one or more of the members making the request, and
  - c. Be sent to the Secretary.
- (2) Notice must be given in accordance with Rule 13 (2). No business other than that stated on the notice as the purpose of the meeting may be transacted at a Special General meeting called by members.
- (3) If the Committee fails to convene a Special General meeting within 30 days of receiving the request, any of the members making the request may convene a Special General meeting within 3 months of sending notice to the Secretary.
- (4) A meeting so convened must be conducted in accordance with these Rules. Reasonable expenses incurred in convening the meeting must be refunded by the Association to the person who incurred them, who must provide documentary evidence of the expenses.

### **13. ANNUAL & GENERAL MEETING PROCEDURE**

#### **(1) Business**

- a. Business transacted at Annual General meetings (other than ordinary Annual General Meeting business) is deemed to be special business.
- b. Business transacted at General meetings is ordinary business.

#### **(2) Notice**

- a. The Secretary must cause notice of an Annual General meeting to appear in a local newspaper at least 14 days prior to the meeting. The notice must include the date, time and place of the meeting and the nature of business to be transacted.
- b. The Secretary must give 7 days' written notice of a General or Special General meeting to Association members. The notice must include the date, time, place and business of the meeting.
- c. At least 21 days notice must be given of an intention to propose a Special Resolution, in accordance with Section 29 of the Act. Special Resolutions may only be passed with a three-quarters majority of entitled members' votes (present at the meeting or by proxy).

#### **(3) Notice of Business and Motions**

- a. A member may give written notice to the Secretary at least 7 days before a General meeting requesting additional business be brought before that meeting. The Secretary will include that business in the notice calling the General meeting or, if received less than 7 days prior, at the discretion of the Committee.
- b. Notice of Special Business at an Annual General meeting must be given in accordance with Rule 10.3.

#### **(4) Quorum and Adjournment of General Meetings Lacking a Quorum**

- a. Prior to a General meeting, the Secretary and the Treasurer will confirm in the Register of Members those members who are entitled to vote.
- b. No business may be transacted at a General meeting unless a quorum of voting members is present at the time the business is being considered.
- c. Five (5) voting members present constitutes a quorum for transaction of business.
- d. If a quorum is not present within half an hour of the meeting starting time:
  - i. If the meeting was a Special General meeting requested by members, it is dissolved.
  - ii. In any other case, the meeting will stand adjourned to the same day and time in the next week or to another time and place as agreed by members present before the adjournment.
  - iii. Notice must be re-given to Association members of an adjournment of an Annual General meeting, and of the time and place of the resumed meeting.

#### **(5) Quorum At An Adjourned Meeting**

- a. If a quorum of five (5) voting members is not present within half an hour of the appointed starting time of an adjourned meeting, not less than four (4) voting members present will constitute a quorum.

### **14. WHO PRESIDES AT GENERAL MEETINGS?**

- (1) The President or, in his absence the Vice-President, presides at General meetings.
- (2) If both President and Vice-President are absent, members present must by resolution elect a Committee member to preside at the meeting.



## **15. ADJOURNMENT OF GENERAL MEETINGS WITH A QUORUM**

- (1) With the consent of the meeting, the President may adjourn a General meeting at which a quorum is present, but only the unfinished business of that adjourned meeting may be dealt with when the meeting resumes.
- (2) **Notice:** Notice is not required to be given of an adjournment or an adjourned General meeting, or of business to be transacted at the resumption of an adjourned General meeting, unless the meeting is adjourned for more than 14 days in which case notice of the meeting must be re-given.

## **16. VOTING RIGHTS OF ASSOCIATION MEMBERS**

- (1) Each member has one vote.
- (2) Unless otherwise indicated in these Rules, all votes must be made in person or by proxy.
- (3) If votes on a question are equal, a person presiding at a meeting may exercise a casting or second vote.

## **17. MEMBERS NOT ENTITLED TO VOTE**

- (1) A member is not entitled to vote at any General meeting unless their annual subscription for that financial year, and any other monies owed by the member to the Association, have been paid in full.
- (2) An annual subscription is valid up to and including the Annual General meeting for the financial year for which the subscription has been paid.

## **18. POLL CALLED BY MEMBERS AT A GENERAL MEETING**

- (1) If not less than 3 members demand a poll of members present on any question at any General meeting, the poll will be taken at that meeting as directed by the President. The result of the poll will be deemed to be a resolution of the meeting on that question, and will be recorded in the Minute Book.
- (2) A poll demanded on the election of an officebearer or on an adjournment must be dealt with immediately.
- (3) A poll demanded on any other question must be taken before the meeting closes as directed by the President.

## **19. QUESTION & RESOLUTION PROCEDURE AT GENERAL MEETINGS**

- (1) Questions arising at General meetings will be decided by a show of hands unless a member requests a poll of the meeting on or before a show of hands.
- (2) The President's declaration that a resolution has been carried or lost or has lapsed will be recorded in the Minute Book and is evidence of the resolution having been put or resolved.

## **20. PROXIES**

- (1) Each member may, by written notice given to the Secretary at least 24 hours before a General meeting, appoint another member to act as their proxy at that meeting.
- (2) Notice of a proxy must be in the prescribed form shown in Appendix B.

## **21. SUB-COMMITTEES**

- (1) The Committee or Association may appoint or dissolve sub-committees to investigate, oversee, or make recommendations upon, specific issues.

- (2) A sub-committee may only be appointed and dissolved by resolution of the Committee or a General meeting of the Association, whichever authorised the appointment of the sub-committee.
- (3) Members of the general membership may, by resolution, be appointed to Association or Committee sub-committees.
- (4) Sub-committees must report back to the Committee/Association at times designated by those bodies.
- (5) The appointment of a sub-committee must include appointment of a member of that sub-committee to preside at sub-committee meetings.
- (6) **Notice:** The person appointed to preside at a sub-committee meeting will be responsible for ensuring sub-committee members are given at least two (2) days notice of sub-committee meetings.

## **22. COMMITTEE OF MANAGEMENT**

- (1) The Association's affairs must be managed by a Committee of Management constituted in accordance with Rule 24.

## **23. COMMITTEE OF MANAGEMENT'S ROLE**

- (1) The Committee:
  - a. Shall control and manage the Association's business and affairs, and
  - b. May exercise all the powers and functions the Association is empowered to exercise, other than powers and functions a general meeting of members is empowered to exercise, and
  - c. May, as empowered by these Rules, the Act and Regulations, perform all acts and things the Committee considers essential for proper management of the Association's business and affairs.

## **24. COMMITTEE OF MANAGEMENT'S OFFICEBEARERS AND COMPOSITION**

- (1) The Association's Committee of Management will be composed of **10 members**, including 4 officebearers:
  - a. President
  - b. Vice-President
  - c. Treasurer
  - d. Secretary/Public Officer
  - e. Six (6) ordinary committee members
- (2) Rule 25 applies to election of persons as officers and committee members.
- (3) **No Macedon Ranges Shire Councillors, employees, contractors or their employees working for the Shire may become members of the Committee of Management.**

## **25. ELECTION OF COMMITTEE OF MANAGEMENT OFFICERS AND MEMBERS**

- (1) Members of the Committee of Management shall be elected at the Annual General meeting each year.
- (2) Nominations of candidates for Committee membership must be:
  - a. In writing, **signed by two Association members** (other than the candidate), and
  - b. Accompanied by the written consent of the candidate (consent includes the candidate's signature on the nomination form), and
  - c. Delivered to the Secretary at **least 24 hours before the Annual General meeting.**

- (3) Nominations must be in the prescribed form shown in Appendix C.
- (4) If insufficient nominations are received before the meeting to fill all Committee vacancies, nominated candidates are deemed to be elected. Further nominations will be accepted at the Annual General meeting.
- (5) If nominations received before the Annual General meeting equal vacancies, nominated candidates are deemed to be elected.
- (6) If nominations received before the Annual General meeting exceed vacancies, a ballot must be held.
- (7) A ballot for election of officers and ordinary committee members must be concluded at the Annual General meeting in accordance with these Rules **and as the Committee directs.**
- (8) All Committee members hold office until the next Annual General meeting & are eligible for re-election, in accordance with these Rules.
- (9) By resolution of the meeting, a Committee member may be elected to hold dual Committee offices.
- (10) The Committee may by resolution elect an Assistant Secretary from its 6 ordinary members.

## **26. COMMITTEE OF MANAGEMENT VACANCIES**

- (1) The position of Committee officebearer or ordinary member becomes vacant if the officer or member:
  - a. Ceases to be a member of the Association, or
  - b. Becomes an insolvent under administration within the meaning of the Corporations Law, or
  - c. Resigns in writing, or
  - d. Is expelled or suspended.
- (2) The Committee may by resolution appoint a Committee member to fill a casual vacancy in any of its offices. The appointed member may hold that office until the next Annual General meeting.
- (3) The Committee may by resolution appoint an Association member to fill a casual vacancy of ordinary committee members. The appointed member may hold that office until the next Annual General meeting.

## **27. REMOVAL OF COMMITTEE MEMBER**

- (1) The Association may by resolution at a General meeting remove any Committee member before expiry of their elected term and appoint another member to the Committee.
- (2) Grounds for removal must be given and must be based upon a breach of the Association's Rules.
- (3) A member who is the subject of a proposed resolution may make reasonable written representations to the Secretary or President and may request the representations be sent to Association members prior to the General meeting referred to in Rule 27.1.
- (4) The Secretary or President may send copies of the representations to each Association member. If not so sent, the affected member may require the representations be read out at the meeting.

## **28. COMMITTEE NOTICE AND MEETING OPERATING PROCEDURES**

- (1) **Committee Meetings**
  - a. The Association's Committee of Management may meet at any time but must meet at least 4 times yearly at a time & place decided by the Committee.
  - b. The President or any 5 Committee members may convene a Special Committee meeting.

**(2) Notice Of Committee and Special Committee Meetings**

- a. Written notice of a Committee meeting must be sent to each Committee member at least two (2) business days' before the meeting.
- b. The notice must set out the time, date and place of the meeting, and the business to be conducted.
- c. Notice requirements at Rule 28 (2) (a) may be waived in the case of a Special Committee meeting, but all Committee members must be notified of the time, place, date and reason for calling the meeting as soon as possible after the decision to call a special meeting has been made.
- d. Only the business for which a Special Committee meeting is called may be conducted at that meeting.

**(3) Quorum for Committee Meetings and Adjournments**

- a. Despite any casual vacancy in the Committee, the Committee may act if a quorum (as per Rule 28 (3) (b)) is present.
- b. **Five (5) Committee members constitutes a quorum for conducting Committee business.**
- c. Committee business must not be transacted unless a quorum is present within half an hour of the meeting's starting time. If a quorum is then not present, the meeting must be adjourned to the same hour and day of the next week, or to another time and place as agreed by members present.
- d. If an adjourned meeting is not to be held at the same day, hour and place of the following week, two (2) business days' notice must be given to each Committee member of the adjournment of the Committee meeting and of the day, time and place of the resumed meeting.

**(4) Who Presides at Committee Meetings?**

- a. The President or in his absence the Vice-President preside at Committee meetings.
- b. If both President and Vice-President are absent, a quorum of Committee members will select a Committee member to preside at the meeting.

**(5) Questions & Resolutions**

- a. Questions at Committee meetings and Committee-appointed sub-committees will be determined by a show of hands or (if requested by a member) a count of hands or division, the results of which will be recorded in the minutes.
- b. The quorum of the Committee may conduct a secret ballot if a secret ballot is supported by two-thirds of Committee members present.

**(6) Voting Rights of Committee Members**

- a. Every member present at a Committee or sub-committee meeting has one vote except in an equality of votes where the presiding person may exercise a casting or second vote.

**(7) Authority For Release Of Association Correspondence & Media Releases**

Correspondence and media releases may only be issued on behalf of the Association:

- a. With the consent of a quorum of the Committee or
- b. By a designated member of the Committee after consulting with and obtaining the prior endorsement of another Committee member.

**29. MINUTES**

- (1) The Secretary must keep minutes of Association resolutions and proceedings at General and Committee meetings, and record the names of those present and apologies at Committee meetings in Minute Books.

### **30. ASSOCIATION SEAL**

- (1) The Secretary will be the custodian of the Association's common seal.
- (2) The common seal must not be affixed to any document except by Committee authority. Two Committee members (which may include the Secretary) must attest by their signature to any affixing of the common seal.

### **31. METHOD OF GIVING ASSOCIATION NOTICES**

- (1) Unless otherwise provided for in these Rules, any notice of, or on behalf of, the Association may be delivered personally or by mail to members at their registered address, or by facsimile or electronic transmission if requested by a member.
- (2) A document properly addressed will be considered delivered in the ordinary course of the post or transmission unless proven otherwise.

### **32. CUSTODY OF ASSOCIATION RECORDS**

- (1) Unless otherwise provided for in these Rules, the Secretary will be the custodian and controller of all Association books, documents and securities.
- (2) All books, documents, accounts and other official records of the Association must be made available for inspection upon request by a member.
- (3) A member may make a copy of information in Association books, documents and accounts.

### **33. ASSOCIATION FUNDS**

- (1) The Association's Treasurer must:
  - a. Collect and receive all monies due to the Association and make all payments authorized by the Association, and
  - b. Keep correct accounts and books showing the Association's financial affairs including full details of all receipts and expenditure connected with the Association's activities.
- (2) Accounts and books must be kept available for members' inspection.
- (3) Association funds will be derived from entrance fees, annual subscriptions, donations, and other sources as determined by the Committee.

### **34. PROCEDURE FOR AUTHORIZING ASSOCIATION PAYMENTS**

- (1) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments issued by or on behalf of the Association require the signature of two Committee members.

### **35. WINDING UP OR CANCELLATION OF THE ASSOCIATION**

- (1) If the Association is wound up or cancelled, its assets must be disposed of in accordance with Part 8 of the Act.

### 36. ASSOCIATION STATEMENT OF PURPOSES

- (1) In accordance with Section 5 (b) of the Act, the purposes for which the Association is established are:
- a. To provide a non-sectarian and non-party-political forum through which financial Association members, through the Association's elected Committee of Management, may represent and promote the broad community interests and values of Macedon Ranges Shire residents.
  - b. To provide representation for the interests of Macedon Ranges Shire's residents in matters concerning the performance and service delivery standards of local, regional, state and federal governments and other bodies.
  - c. To ensure high standards of services and financial management are provided, responsible and accountable governance is delivered, and accessibility to governmental processes is maintained for all Shire residents.
  - d. To promote consistent application of the principles of equity, natural justice, accountability, good governance and sound management in decision-making.
  - e. To uphold the right of the Macedon Ranges Shire's community to be consulted and to participate in all components of governance.
  - f. To ensure the high quality of the Shire's environment is conserved and enhanced through the:
    - i. Protection of environmental features and significance, and protection of natural, historic and scientific resources.
    - ii. Preservation of community and cultural values.
    - iii. Protection of rural land, landscapes and lifestyle values.
    - iv. Fostering of sustainable economic development and population growth.
  - g. To form and express views on economic, environmental and social issues, policies, decisions and the like, in particular those which have the potential to adversely impact the wider community interests or to diminish or detrimentally alter the environmental values of Macedon Ranges Shire.
  - h. To support governmental and other bodies' consistent compliance with legislative and strategic requirements.
  - i. To monitor and review standards of governance, administration, community consultation and the application of democratic principles and natural justice within the Shire.